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OFFICE OF PETITIONS

In re Application of :
Manin et al. : DECISION ON PETITION
Application No. 10/537, 957 :
Filed: January 27, 2006 :
Attorney Docket No. 21.1053 :

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181" filed March 17, 2008.

The above-identified application became abandoned for failure to file a response to the non-final Office action mailed July 23, 2007. The Office action set a three month shortened statutory period for reply, with extensions of time under the provisions of 37 CFR 1.136(a) obtainable. No reply considered received and no extension of time considered obtained, the above-identified application became abandoned effective October 24, 2007. A courtesy Notice of Abandonment was mailed on March 7, 2008.

In response, the instant petition was timely filed. Petitioner maintains that the Amendment in reply to the Office letter mailed July 23, 2007 along with a Request for Continued Examination were filed with the USPTO electronically on December 18, 2007. In support thereof, petitioner submitted copies of the documents and of the Acknowledgement Receipt.

Petitioner's evidence has been considered and found persuasive. Petitioner has submitted persuasive evidence in the form of an acknowledgement receipt, acknowledging receipt in the Office on December 18, 2007 of an amendment, a request for continued examination and an extension of time. Accordingly, it is concluded that a proper response, an amendment, made timely by a

two-month extension of time, was electronically filed on December 18, 2007.

The extension of time for response required to make the response timely, as well as the fee for the RCE, was previously made of record in the application with a date of receipt of December 18, 2007.

Accordingly, the Notice of Abandonment mailed March 7, 2008 and the holding of abandonment are hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 3672 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's Technical Support Staff to withdraw the holding of abandonment and for consideration by the examiner of the amendment (and request for continued examination) resubmitted on petition filed March 17, 2008.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.



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